

**IN THE UNITED STATES COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA**

SABIA LANDSCAPING,

Plaintiff,

vs.

MERCHANTS MUTUAL INSURANCE  
COMPANY,

Defendant.

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CIVIL ACTION

No.:

**NOTICE OF REMOVAL**

TO: THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Defendant, Merchants Mutual Insurance Company (Merchants), through its undersigned counsel, and pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, hereby removes this action, captioned as *Sabia Landscaping v. Merchants Mutual Company*, filed in the Court of Common Pleas for Bucks County, Pennsylvania and docketed at Case No. 2013-04340, and where the action is now pending, to the United States District Court for the Eastern District of Pennsylvania. In support of this removal, Merchants avers as follows:

1. On June 10, 2013, Plaintiff commenced this action against Merchants by filing a Complaint in the Court of Common Pleas for Bucks County, Pennsylvania. A true and correct copy of the Complaint is attached hereto as Exhibit "A".
2. Merchants was served with the Complaint on or about June 14, 2013. Removal, therefore, is timely and within the 30-day provision of 28 U.S.C. § 1446.
3. In the Complaint, Plaintiff sets forth causes of action for Declaratory Judgment, Breach of Contract/Indemnification, and Bad Faith based on an alleged failure to provide

coverage under a Commercial General Liability Policy issued to Sabia Landscaping ("Policy").  
See Exhibit "A".

4. The Complaint alleges that Plaintiff has a business address at 4619 County Line Road in Line Lexington, Pennsylvania. See Exhibit "A".

5. Merchants has its principal place of business located at 250 Main Street in Buffalo, New York.

6. Based on the allegations in the Complaint and upon information and belief, Plaintiffs seek to recover defense costs and indemnity with respect to the underlying action in excess of \$75,000. 00.

7. This Honorable Court, therefore, has jurisdiction based on diversity of citizenship and because the amount in controversy exceeds \$75,000 pursuant to 28 U.S.C. § 1332.

8. This action is accordingly removable from the state court to the United States District Court pursuant to 28 U.S.C. §§ 1441 and 1446.

9. Written notice of the filing Notice of Removal has been given to the Plaintiff as required by 28 U.S.C. § 1446(d) and as evidenced by the attached Certificate of Service.

10. Promptly after filing with this Honorable Court and with the assignment of a Civil Action Number, a copy of this Notice of Removal will be filed with the Court of Common Pleas of Montgomery County, Pennsylvania a required by 28 U.S.C. § 1446(d).

11. Copies of all process, pleadings, and other Orders which have been received by Merchants in this action are attached as Exhibit "A".

WHEREFORE, Defendant, Merchants Mutual Insurance Company hereby removes this action from the Court of Common Pleas of Montgomery County, Pennsylvania to the United States District Court for the Eastern District of Pennsylvania.

Date: July 1, 2013

Respectfully submitted,

**MARSHALL, DENNEHEY, WARNER  
COLEMAN & GOGGIN**

BY: 

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